

OCT 30 2009

BY OVERNIGHT MAIL CARRIER

Laura L. Romeo, Esq.
General Motors Legal Staff
Manufacturing Labor & Environmental
WFG Business Unit Counsel-MC-482-C24-D24
300 Renaissance Center
P.O. Box 300
Detroit, Mi 48265- 3000

Re: Lower Ley Creek Subsite, Onondaga Lake Superfund Site, Onondaga County, New York
Notice of Potential Liability and Request to Perform Remedial Investigation and
Feasibility Study Activities Pursuant to the Comprehensive Environmental Response,
Compensation, and Liability Act, 42 U.S.C. § 9601, et seq.

Dear Ms. Romeo:

The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants, and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. §§ 9601-9675.

EPA has documented the release and threatened release of hazardous substances into the environment at the Lower Ley Creek Subsite ("Subsite") of the Onondaga Lake Site ("Site"), located in Onondaga County, New York. At the request of the New York State Department of Environmental Conservation ("NYSDEC"), EPA assumed responsibility for the Subsite in July 2009. EPA has spent and anticipates spending additional public funds to investigate and control releases or potential releases of hazardous substances at the Subsite.

NOTICE OF POTENTIAL LIABILITY

Through prior correspondence, including a letter dated October 15, 2008, EPA and NYSDEC have notified your client of the claims against it for the recovery of response costs pursuant to Section 107 of CERCLA, 42 U.S.C. § 9607, and state statutory and common law. As part of cost recovery negotiations, on April 23, 2009, EPA provided a chart to all PRPs involved in the cost

recovery claim which summarized the nexus of each PRP to the Site. In that chart, EPA identified the following PRPs as having a nexus to the Site by way of this Subsite:

1. Carrier Corporation
2. General Motors Corporation
3. Oberdorfer LLC
4. Syracuse China Company
5. Crouse Hinds/Division of Cooper Industries
6. Town of Salina
7. Onondaga County
8. Niagara Mohawk Power Corporation, d/b/a National Grid

Under CERCLA and other laws, responsible parties may be held liable for monies expended by, *inter alia*, the federal government in taking response actions at and around sites where hazardous substances have been released, including investigative, planning, removal, remedial, and enforcement actions. Responsible parties also may be subject to orders requiring them to take response actions themselves. Responsible parties under CERCLA include, among others, the current owner of property upon which there is a release or threatened release of hazardous substances.

By this letter, we notify your client that because of its actions as a person who arranged for the disposal of hazardous substances at the Subsite, your client is considered to be PRP with respect to the Subsite, pursuant to Section 107(a) of CERCLA, 42 U.S.C. Section 9607(a).

This notice letter is not being provided pursuant to the special notice procedures outlined in Section 122(e) of CERCLA, 42 U.S.C. § 9622 (e), because EPA does not believe that those procedures would expedite remedial action at the Subsite. As discussed below, EPA is providing your client with the opportunity to volunteer to perform necessary response actions, and any such agreement would have to be memorialized in an Administrative Consent Order within 60 days of receipt of this letter.

REQUEST TO COMPLETE ACTION

A remedial investigation and feasibility study ("RI/FS") for the Subsite under the Superfund Program is necessary to determine the nature and extent of the contamination at the Subsite, evaluate the risks posed to human health and the environment posed by releases or threatened releases from the Subsite, and identify and evaluate remedial alternatives. In order to proceed with the Onondaga Lake Bottom remedy in the vicinity of the mouth of Ley Creek, remediation of the Subsite must first be completed. It is anticipated that remediation in Onondaga Lake in the vicinity of the mouth of Ley Creek will commence in 2013. To complete the remedy for the Subsite in advance of this timeframe, EPA believes that a remedy decision for the Subsite needs to be made in 2010. To meet this schedule, EPA anticipates commencing RI-related sampling in November 2009.

EPA wishes to determine whether your client is willing to commence negotiations related to the performance of the above-referenced RI/FS or funding it. Accordingly, please advise EPA

within 14 days of receipt of this letter whether your client would be willing to enter into negotiations with EPA concerning performing the RI/FS at the Subsite under EPA oversight or funding the RI/FS. As mentioned above, any agreement by you to perform or fund the RI/FS would need to be memorialized in an administrative consent order issued by EPA under CERCLA. Your response may be by telephone, e-mail, or letter and should be directed to:

Lauren Charney
Assistant Regional Counsel
New York/Caribbean Superfund Branch
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
290 Broadway, 17th Floor
New York, NY 10007-1866
charney.lauren@epa.gov
212-637-3181

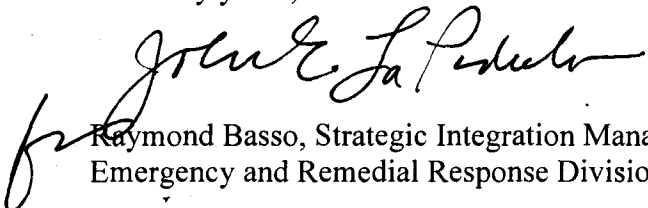
with a copy to:

Pamela Tames, P.E.
Central New York Remediation Section
Emergency and Remedial Response Division
U.S. Environmental Protection Agency, Region II
290 Broadway, 20th Floor
New York, NY 10007-1866
tames.pam@epa.gov
212-637-4255

If your client declines and EPA performs the work itself, your client may be liable under Section 107(a) of CERCLA for EPA's costs incurred in connection with that work.

Please give the matter addressed in this letter your immediate attention. If you have any legal questions or would like to discuss this matter with EPA, please contact Ms. Charney. Should you have any technical questions regarding the Subsite, please direct them Ms. Tames.

Sincerely yours,


Raymond Basso, Strategic Integration Manager
Emergency and Remedial Response Division